

EXECUTIVE OFFICER SUMMARY REPORT  
September 8, 2004

ITEM: 13

SUBJECT: Administrative Assessment of Civil Liabilities against the following Dischargers for Non-Payment of Fiscal Year 2003 construction storm water permit annual fees in violation of California Water Code section 13260. The Regional Board will decide on Administrative Civil Liability Orders accepting payment of the proposed liability and waiver of the right to a public hearing. *(Frank Melbourne)*

PURPOSE: The Regional Board will decide on Administrative Civil Liability (ACL) Orders accepting payment of the proposed liability and waiver of the right to a public hearing.

PUBLIC NOTICE: On June 16, 2004, a public notice was published in the San Diego Union-Tribune (San Diego County), the Register (Orange County), and the Press-Enterprise (Riverside County). The written comment period ended on July 16, 2004, and the oral comment period ends at the conclusion of this item. No comments were received on this item.

DISCUSSION: On May 17, 2004, the Regional Board issued 24 ACL Complaints against dischargers for failure to pay fiscal year 2003 construction storm water permit annual fees in violation of California Water Code section 13260. The Complaints recommended assessment of liability in the amount of \$960. The dischargers receiving the Complaints failed to respond to: 1) the original invoice issued by the State Water Resources Control Board (State Board) in January 2004, 2) Demand Letter issued in February 2004, and 3) Notice of Violation issued on March 30, 2004.

Of the original 24 Complaints, 10 Dischargers (Document No. 1) waived their right to a public hearing and agreed to pay the \$960 recommended liability. Each discharger has also paid the outstanding annual fee for this facility, as well as its other projects statewide that were outstanding at the time of this report. The remaining 14 Complaints were withdrawn upon verification that the construction projects did not require permit coverage during the billing period.

If the Regional Board does not accept the waivers of hearing for any of the ten dischargers, then the Regional Board will decide whether to conduct a hearing in the non-consent portion of the agenda, or reschedule the hearing for a future Regional Board meeting.

**KEY ISSUES:**

1. If the recommended liability is not appropriate, the liability can be increased.
2. If the Regional Board does not accept the waiver, a public hearing will be scheduled for a future meeting.

**LEGAL CONCERNS:**

None.

**SUPPORTING  
DOCUMENTS:**

1. List of Dischargers that waived right to a public hearing, and agreed to pay \$960 administrative civil liability.
2. Tentative ACL Order No. R9-2004-0236
3. Tentative ACL Order No. R9-2004-0242
4. Tentative ACL Order No. R9-2004-0243
5. Tentative ACL Order No. R9-2004-0244
6. Tentative ACL Order No. R9-2004-0245
7. Tentative ACL Order No. R9-2004-0250
8. Tentative ACL Order No. R9-2004-0251
9. Tentative ACL Order No. R9-2004-0252
10. Tentative ACL Order No. R9-2004-0254
11. Tentative ACL Order No. R9-2004-0256

**RECOMMENDATION(S):** Adopt Tentative ACL Orders R9-2004-0236, 0242-0245, 0250-0252, 0254, and 0256.